

CASCADE WALTHER LLC * BEFORE THE
Petitioner * PLANNING BOARD OF
PLANNING BOARD CASE 380 * HOWARD COUNTY, MD

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On September 6, 2007, the Planning Board of Howard County, Maryland, in accordance with Section 107.E of the Howard County Zoning Regulations, held a Public Hearing to consider the petition of Cascade Walther LLC for approval of a preliminary equivalent sketch plan (SP-06-12, Weller Property) for a total of seven (7) single family detached (SFD) lots and two (2) open space lots to be developed by the Petitioner, consisting of 4.05± acres of land zoned Residential: Environmental Development (RED). The subject site is located on the northeast corner of Ilchester and Landing Roads in the First Election District of Howard County, Maryland, identified as Tax Map Parcel 133 on Tax Map 31. The subject site is bounded on the north by Tax Map Parcel 799, zoned R-ED and improved with a SFD unit and Cascade Overlook, Section 1, Open Space Lot 75, zoned R-ED, unimproved with a retention forest conservation easement located on it; on the east by Cascade Overlook, Section 1, Lot 1, zoned R-ED, improved with a SFD unit and Tax Map Parcel 120, zoned R-ED, improved with a SFD unit; on the south side by Landing Road, a public road; and on the west by Ilchester Road, a public road.

The Technical Staff Report, Certification of Advertising, Certification of Posting of the Property, Howard County Code, General Plan of Howard County, Howard County Zoning Map, Zoning Regulations, Subdivision Regulations and the comments of the responding Subdivision Review Committee (SRC) agencies were made a part of the record of this case. A list of exhibits introduced into evidence by the Petitioner at the hearing is attached to this Decision and Order as Attachment 1.

Michael Antol of the Department of Planning and Zoning (DPZ) introduced DPZ's Technical Staff Report, which recommended approval of the preliminary equivalent sketch plan, subject to compliance with the SRC comments.

The Petitioner was represented by the project engineer, Mr. Don Mason of Benchmark Engineering, Inc. He addressed the three criteria to be considered by the Board and explained and exhibited a plan presentation on all

1 aspects of the proposed subdivision. Mr. Mason explained how the subdivision was designed to preserve the
2 sensitive environmental areas and forest, and minimize disturbance to these areas. He also explained how the
3 subdivision was designed to comply with the scenic road guidelines found in the Subdivision Regulations.

4 There was no testimony in opposition to the preliminary equivalent sketch plan.

5 Ms. Tammy J. CitaraManis, Chairperson, closed the hearing and the Board proceeded to deliberate and vote on
6 the case in open session. After careful evaluation of all of the testimony and documentary evidence presented at
7 the hearing, the Howard County Planning Board made the following Findings of Fact and Conclusions of Law.

8 **FINDINGS OF FACT**

- 9 1. The preliminary equivalent sketch plan, SP-06-12, proposes 7 SFD lots, 2 open space lots and a public
10 access place.
- 11 2. This project is subject to compliance with the Fifth Edition of the Subdivision and Land Development
12 Regulations, the Zoning Regulations, the Adequate Public Facilities Ordinance, the Forest Conservation
13 Act and the Landscape Manual.
- 14 3. The area of the 7 proposed SFD lots is approximately 1.26 acres and the area of the 2 proposed open
15 space lots is approximately 2.05 acres or 50.6 percent of the site.
- 16 4. The proposed layout of lots and open space effectively protects environmental and historic resources.
17 The plan proposes 2 open space lots that will contain a springhead, a stream buffer, wetlands, a wetland
18 buffer and areas of forest retention and reforestation planting. These environmental and forest resources
19 will be preserved and protected on the two open space lots that are to be dedicated to a Homeowners'
20 Association. This plan does not propose any disturbance within the environmental areas on this site.
21 This site contains no historic resources.
- 22 5. Buildings, parking areas, roads, stormwater management facilities and other site features are located to
23 take advantage of existing topography and to limit the extent of clearing and grading. The 6 proposed
24 SFD units and the 1 existing SFD unit to remain and their required parking will be located on the 7
25 proposed SFD buildable lots, which contain no part of any environmental area. The proposed public

1 water, public sewer utility connections, private access place and SWMF do not disturb any environmental
2 area. The proposed site layout, clearing and grading have been designed to not disturb any
3 environmental areas and to preserve existing forest, where possible, adjacent to most of the site frontage
4 along the two scenic roads.

- 5 6. Setbacks, landscape buffers, or other methods are proposed to buffer the development from existing
6 neighborhoods or roads, especially scenic roads or historic districts. A 75 foot building setback is
7 required from the two adjacent scenic roads and a 30 foot building setback is required from the adjacent
8 properties. Due to the site design, the building setback from Ilchester Road will be 86 feet for the
9 proposed units on proposed Lots 1 and 2. The existing SFD unit to be retained on proposed Lot 7 will be
10 set back 75 feet from Landing Road. The proposed SFD units on proposed Lots 2 – 6 will be a minimum
11 distance of 30 feet from the adjacent properties. The retention of existing woods at least 35 feet in width
12 next to the two adjacent scenic public roads, reforestation planting and landscape planting will buffer the
13 proposed SFD units and the SWMF from the adjacent scenic roads and adjacent properties. A forest
14 conservation easement (FCE) of mostly retention and an area of reforestation, woods retained and a
15 Type B landscape planting (1 shade tree per 50 feet and one evergreen tree per 40 feet) on Open Space
16 Lot 9 will buffer SFD buildable Lots 1, 2 and 7 from the two adjacent scenic roads. An area of woods to
17 remain on Open Space Lot 8 will buffer the proposed SWMF from Landing Road. A FCE of mostly
18 retention and an area of reforestation on Open Space Lot 8 will buffer the SWMF and SFD buildable Lot
19 6 from the adjacent properties along the east side of the site. A Type A landscape planting (1 shade tree
20 per 60 feet) along the rear or north sides of Lots 2 – 6 will buffer them from the adjacent properties.
21 There is no historic district adjacent to or near this site.

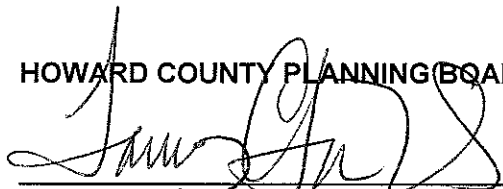
22 **CONCLUSIONS OF LAW**


23 The preliminary equivalent sketch plan, SP-06-12, satisfies all of the standards for approval of the plan cited in
24 Section 107.E.6 of the Howard County Zoning Regulations.
25


For the foregoing reasons, the petition of Cascade Walther LLC for approval of preliminary equivalent sketch plan, SP-06-12, for 7 proposed SFD lots, 2 proposed open space lots and a proposed public access place on approximately 4.05 acres of land, zoned R-ED, is this 18th day of October, 2007, approved by the Planning Board of Howard County, subject to the following condition:

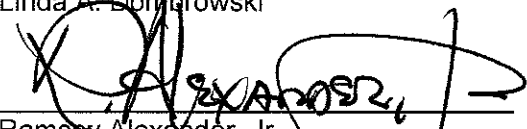
1. Compliance with the Subdivision Review Committee comments for preliminary equivalent sketch plan, SP-06-12.

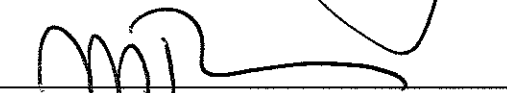
HOWARD COUNTY PLANNING BOARD


Tammy J. Citara - Chairperson

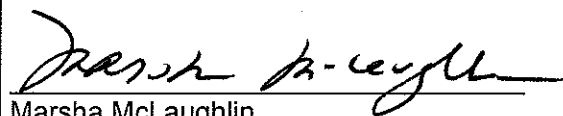

David Grabowski - Vice-Chairperson


Linda A. Dombrowski

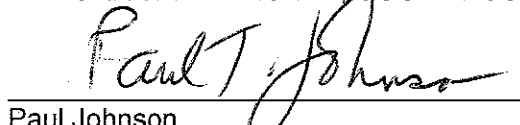

Ramsey Alexander, Jr.


Gary Rosenbaum

ATTEST:


Marsha McLaughlin
Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:
HOWARD COUNTY OFFICE OF LAW
MARGARET ANN NOLAN, COUNTY SOLICITOR


Paul Johnson
Deputy County Solicitor

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